

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Safeco Insurance Company of
America

v.

Civil No. 11-cv-226-JL

JP Morgan Chase Bank, N.A.
and Wayne Nolette

SUMMARY ORDER

Before the court is plaintiff Safeco Insurance Company of America's Motion for Entry of Default Judgment against defendant Wayne Nolette.

The claims against Nolette's co-defendant JP Morgan Chase Bank, N.A. remain pending before the court, as does JP Morgan Chase's crossclaim against Nolette. As a result, Safeco's motion for default judgment is governed by [Federal Rule of Civil Procedure 54\(b\)](#), which provides that "the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay." See [Villalobos v. Deutsche Bank Nat'l Trust Co.](#), No. 09-cv-1450, 2011 WL 2415543, *1 (W.D. Wash. June 14, 2011) ("Rule 54 applies to all final judgments, including default judgments."); [Amer. Fam. Mut. Ins. Co. v. Coleman](#), No. 09-cv-523, 2009 WL 4015521, *1-2 (S.D. Ill. Nov. 19, 2009) (holding that request for default judgment while claims against co-defendants remained pending was governed by [Rule 54\(b\)](#)).

Safeco's motion does not address whether there is "no just reason for delay" in this case. In the absence of any argument on this point, the court is loath to enter a default judgment against Nolette, particularly given the Court of Appeals' instruction that "[Rule 54\(b\)](#) should be employed with great circumspection." [Gonzales Figueroa v. J.C. Penney Puerto Rico, Inc.](#), 568 F.3d 313, 318 n.3 (1st Cir. 2009).

For the foregoing reasons, the court DENIES the motion (document no. [21](#)) without prejudice. Safeco may reapply for default judgment against Nolette when all claims involving all parties have been resolved, or upon a showing that there is "no just reason for delay" under [Rule 54\(b\)](#).

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: December 19, 2011

cc: James F. Ogorchock, Esq.
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Joseph Patrick Kennedy, Esq.
Mary Ellen Manganelli, Esq.